

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 16, 2008
POSITION: Neutral

BILL NUMBER: SB 1454
AUTHOR: M. Ridley-Thomas

BILL SUMMARY: Healing Arts - Outpatient Settings

This bill would make various changes regarding the oversight of outpatient settings that complete cosmetic procedures and facilities that use laser treatment, including the investigation of unlicensed activity, unannounced inspections, and the adoption of regulations by July 1, 2009, regarding the appropriate level of supervision by a physician. This bill would also provide that advertising, as defined, by specified licensees would require the type of degree received upon graduation be identified.

FISCAL SUMMARY

The Department of Consumer Affairs indicates that any costs resulting from this bill would be minor and absorbable for the Medical Board of California (Board) with the exception of inspections and investigations of laser clinics, which they indicate would require \$723,000 Contingent Fund of the Medical Board of California and six positions to implement. While the bill would require that the Board make investigation of unlicensed activity in laser clinics a priority, it is possible that this workload can be absorbed within existing resources. As such, any request for resources as a result of this bill would be subject to review and approval through the annual budget process. To the extent workload cannot be absorbed in fiscal year 2008-09, an appropriation would be necessary to fund these activities. Absent an appropriation, the Board may have to delay implementation of this bill until July 1, 2009.

Any local government costs resulting from the mandate in this bill would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

This bill is intended to improve public safety by strengthening regulation and oversight of cosmetic procedures and outpatient settings in response to the growing utilization of cosmetic procedures.

Existing law establishes various boards and bureaus within the Department of Consumer Affairs for the purpose of licensing and regulating various medical professions and defines the scope of practice, requirements and professional standards. Existing law also prohibits the licensees from engaging in false, fraudulent, misleading or deceptive advertising and establishes requirements regarding advertisement and licensure display.

This bill would:

- Require the Board to inspect outpatient clinics at a minimum of once every three years without prior notice to the clinic.
- Require the Board to establish as one of its priorities the investigation of unlicensed activity in facilities where lasers are used for cosmetic purposes.
- Require the Board to adopt regulations by July 1, 2009, regarding the appropriate level of physician's supervision in facilities where lasers are used for cosmetic purposes.

(continued)

COMMENTS (Continued)

This bill would (continued):

- Require the Board to post on its website specified information regarding cosmetic surgery.
- Require outpatient clinics to maintain specified emergency protocols as part of accreditation.
- Require the Board to notify the public if an outpatient clinic has received specified disciplinary actions.

Analyst/Principal (0240) K. Shelton	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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- Require that any advertising by specified health care practitioners include license type and degree received by the licensee.
- Require a health care practitioner to wear a name tag with license status when working in an outpatient clinic.

		SO	(Fiscal Impact by Fiscal Year)						
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP							Fund
Type	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
1110/ConAfr-ReqBd	SO	No	C	\$0 - 361	C	\$0 - 596	C	\$0 - 596	0758
<u>Fund Code</u>	<u>Title</u>								
0758	Contingent Fd of the Medical Board of CA								